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APPLE INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

14 ZOMM, INC.,

15 Plaintiff,

16 v.

17 APPLE INC.,

18 Defendant.

Case No. 4:18-cv-04969-HSG

**STIPULATED REQUEST AND
ORDER REGARDING
REMOVAL OF INCORRECTLY
FILED DOCUMENT (as
modified)**

Judge: Haywood S. Gilliam, Jr.

1 The parties respectfully request that the Court order that the version of the Stipulated
2 Request and Proposed Order to Dismiss Plaintiff's Non-Patent Cause of Action filed docket
3 entry 91 be removed from the docket, because it was incorrectly filed through a clerical error
4 and does not reflect the agreement of the parties. The document subsequently filed by Apple at
5 docket entry 92 is the correct stipulation and reflects the agreement of the parties.

6 Accordingly, the parties requests that docket entry 91 be permanently deleted from the
7 docket.

8 IT IS SO STIPULATED.

9 Dated: September 24, 2019

KELLEY DRYE AND WARREN LLP

11 By: /s/ Michael J. Zinna

12 Michael J. Zinna
13 Attorneys for Plaintiff
ZOMM, INC.

14 Dated: September 24, 2019

O'MELVENY & MYERS LLP

16 By: /s/ David R. Eberhart

17 David R. Eberhart
18 Attorneys for Defendant
APPLE INC.

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20 **FILER'S ATTESTATION**

21 Pursuant to Local Rule 5-1(i)(3), I hereby attest that the other signatory listed, on whose
22 behalf the filing is submitted, concurs in the filing's content and has authorized the filing.

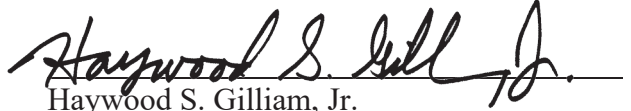
23 /s/ David R. Eberhart

24 David R. Eberhart

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Clerk is directed to
remove docket no. 91 from the docket.

Dated: September 25, 2019


Haywood S. Gilliam, Jr.
United States District Court Judge